

**Florida's Request To Assume Administration of a Clean Water Act Section 404 Program
(85 FR 57853, September 16, 2020) EPA-HQ-OW-2018-0640**

Code 1g Funding and Staffing

1. Florida has adequate resources for implementing Section 404 permitting

Commenters (0166, 0198, 0223, 0429-John Goolsby, 0429-Justin Wolfe, 0430-Anna Upton) favored the Florida Assumption, contending that the state of Florida will provide the adequate resources, FDEP has the necessary experience, and FDEP staff have the expertise for processing wetlands permits more efficiently while maintaining the same level of environmental protection for wetlands. Commenters (0429-Justin Wolfe, 0223) recognized FDEP's staff of over 200 wetland scientists and professionals, their knowledge of state aquatic resources, and the proven success of their own wetland permitting program. One commenter (0166) stated that FDEP is staffed with experts in Florida's unique environmental features, while USACE does not have such a broad array of subject-matter experts. One commenter (0166) also stated that FDEP and their counterparts at the FWC have extensive knowledge and understanding of Florida's endangered and threatened species and their habitats, they care about Florida's natural resources, and their multiple offices around the state will ensure that resource specific issues are addressed, adding localized protections. Commenter (0223) further stated that FDEP's ability to assume the Section 404 program is supported by Florida's handling of other federally-delegated programs, such as the NPDES permit program, as well as its existing state dredge and fill regulatory program, which is expected to overlap with the requirements under Section 404 by approximately 85%.

2. Florida does not have adequate resources in general

Florida does not have adequate resources for implementing Section 404 permitting

Commenters (0022, 0221, 0190, 0212, 0222, 0224, 0236, 0285, 0288, 0302, 0304, 0348, 0350, 0351, 0359, 0386, 0396, 0398, 0401, 0408, 0414, 0431, 0438, 0460, 0480, 0514, 0536, 0545, 0549, 0429-Annette Taddeo, 0429-Marilyn Vazquez-Almedo, 0429-Marjorie Laurent, 0430-Jim Tatum, 0430-Chris Pettit, 0430-Alison Kelly) opposed the Florida Assumption stating that generally, the state of Florida does not have adequate resources to handle the additional workload necessary to assume Section 404 permitting. Multiple commenters (approximately 806) submitted form letters (form letter 0226) opposing the Florida Assumption. The 0226 form letter commenters claimed that Florida, "has yet to marshal its own resources to protect and improve our wetlands and water through existing state-run programs and has failed to show how it could do so for the federal program." Other commenters (approximately 498) submitted form letters (form letter 0517-A1) opposing the Florida Assumption, stating that undertaking the additional responsibility of the assumption is not feasible for the state of Florida at this time, arguing that the state does not have the capacity to handle the additional workload.

Florida requires federal assistance to administer Section 404 permitting

Commenters (0304, 0224, 0236) were concerned that the state of Florida does not have the means to administer the program without federal assistance. Commenter (0304) opposed the Florida Assumption because the FDEP is not well qualified to take over the program and the commenter instead prefers the USEPA administer the program. Commenters (0224, 0212) noted that the Section 404 program had professional staff at the USACE ensuring that comments on every relevant issue were investigated by appropriate agencies. Commenter (0224) also noted that USACE is currently responsible for directing functions related to wetland permitting to appropriate state agencies, and warned this would end if the state assumes control. Commenter (0288) argued that FDEP is depleted, unqualified, and not equipped to conduct proper environmental impact statements for wetlands and to adequately protect them from development. As a result, the commenter (0288) requested that the USACE maintain authority.

Delegation must include assurances that existing environmental protections can be maintained

Commenters (0221, 0414, 0430-Chris Pettit) stated that due to the value of the water resources and wetlands to the citizens of Florida, any delegation to FDEP must contain assurances that existing levels of protection will be preserved, and that sufficient resources are available for FDEP. Commenter (0348) was concerned that the Section 404 program would create both an additional regulatory burden and a financial burden because FDEP would have to divert money from other responsibilities. Commenter (0430-Jeffrey Blank) was also concerned with what will happen to other programs if FDEP moves staff to support the Section 404 program as they say they will. Many commenters (approximately 333) submitted a form letter (form letter 0515-A1) contending that the state of Florida does not have the staff capability to assume the 404 wetland permitting responsibilities and that the assumption would shift resources away from existing regulatory programs that further protect Florida's natural resources.

Commenters (0026, 0104, 0158, 0446, 0456, 0132, 0455, 0513, 0517, and 0150) suggested that Florida should demonstrate that they have the capacity to make a significant positive impact on current issues of stormwater and agricultural runoff before trying to assume new environmental regulations. Commenter (0055) further added that FDEP has limited experience in this field and questionable ability to assume the volume of requests under the Section 404 program.

Two other states that have assumed Section 404 permitting have had problems with less wetlands than Florida

Commenters (0022, 0221, 0386, 0408, 0430-Chris Pettit) were concerned that FDEP will face the same fate as Michigan and New Jersey—two states that have assumed Section 404 permitting authority and both of which had major issues with how the program was handled. One commenter (0408) added that Michigan and New Jersey have spent millions of dollars on their programs, and Florida has considerably more wetlands and higher biodiversity than those states. Commenter (0386) stated that FDEP's plan to assume the program without any additional resources is unrealistic given other states have spent millions of dollars to undertake the program and provided a list of costs associated with the program that FDEP has failed to address.

Similarly, commenter (0022) asked how Florida would ensure protection of wetlands and ecosystems of the state (since Florida has more wetlands than any other state) and thought that the program is better off in the hands of the Corps, especially because Florida is a coastal state with so much water to regulate so the program will cost even more money. Commenter (0408) also argued that assumption of Section 404 authority is not in the public interest because it will create a multi-million-dollar taxpayer burden.

Commenter (0425, 0429-Jen Lomberg, 0430-Elise Brady, 0430-Rachael Uhland) indicated that attempts to assume the program in other states have proven too costly, time-consuming, and problematic, even having led to legal disputes. Commenters (0425, 0430-Rachael Uhland) noted that other states chose not to assume the program given the burden it would impose on tax payers, pointing out that no state with coastlines, wetlands, and biodiversity as extensive as Florida's has assumed the program.

Decreased FDEP funding and assumption of Section 404 permitting would lead to further wetland destruction due to increases in development

Commenters (0222, 0302, 0350, 0351, 0396, 0398, 0401) opposed the Florida Assumption because FDEP was "gutted" by the administration of former Governor Scott and does not have the resources to take on the additional Section 404 permitting. Commenter (0222) contended that under the Scott administration, the state's water management districts had to reduce their budgets by \$700 million and that appointed boards were packed with people whose interests were in granting permits, not preservation. One commenter (0351) was concerned that FDEP is now reduced in capacity and overwhelmed with permitting applications, so would be unable to take on the Section 404 permits. Commenter (0401) added that FDEP is still in disarray under Governor DeSantis and was worried that developers would be able to push through anything they would like, which would result in terrible environmental consequences.

Commenters (0351, 0359, 0545) were worried that FDEP assuming this responsibility would increase destruction of Florida's wetlands due to development. Many commenters (approximately 294) submitted a form letter (form letter 0514) asserting that the state of Florida does not have the capacity to handle the additional permit processing workload and that delegation of these responsibilities would result in less protection of Florida's wetlands and reduced water quality. Commenter (0359) assumed the Section 404 program would make it much easier for developers to obtain permits and would result in loss of wetlands, which are crucial to the health of Florida's fragile waterways and wildlife. Commenter (0480) opposed the Florida Assumption because state agencies may not have the power, resources, or will to resist developers with financial interests. Commenter (0116, 0545) contended that FDEP is not equipped for the additional responsibility and noted that Florida is losing wetlands at a rate of more than 8,500 acres per year. One commenter (0116) also noted that some communities depend on aquifers for potable water and those aquifers are recharged by wetlands that are being filled by developers.

3. Florida does not have adequate resources to administer the Section 404 program and does not demonstrate that FDEP has the resources to do so

FDEP does not have adequate funding, staffing, and/or expertise to administer the Section 404 program

Commenters (0035, 0036, 0041, 0054, 0066, 0074, 0076, 0099, 0109, 0120, 0053, 0112, 0145, 0159, 0160, 0171, 0182, 0190, 0204, 0240, 0241, 0242, 0243, 0244, 0246, 0256, 0269, 0278, 0294, 0310, 0322, 0327, 0332, 0346, 0358, 0360, 0367, 0373, 0377, 0378, 0403, 0445, 0482, 0487, 0494, 0498, 0503, 0507, 0510, 0512, 0538, 0541, 0543, 0547, 0548, 0550, 0430-multiple speakers) opposed the Florida Assumption because they were concerned that FDEP is some combination of being underfunded, understaffed, or inexperienced and therefore unable to effectively manage the additional responsibility of a Section 404 program. Commenter (0190) opposed the Florida Assumption because the permitting of such land should never be given to a single agency, as no one agency has the necessary resources or manpower. Another commenter (0182) was concerned that wetland systems will become fragmented by linear projects under FDEP's management. Commenters (approximately 23) submitted a form letter (form letter 0512-A1), stating that FDEP does not have adequate manpower or budget to handle the wetlands permitting. The 0512-A1 form letter commenters suggest that granting Florida this responsibility would signify EPA's abandonment of its statutory responsibilities under the Clean Water Act.

Florida's application does not provide evidence or demonstrate that FDEP has adequate staffing or funding to handle the additional workload

Commenters (0212, 0221, 0348, 0386, 0051, 0430-Chris Pettit) argued that adequate evidence has not been provided to demonstrate that FDEP has the resources to handle the additional workload that will be required. Commenters (0026, 0028, 0051, 0057, 0066, 0244, 0346, 0369, 0409, 0425, 0524, 0430-Amber Crooks, 0430-Drew Martin) concurred that Florida's application does not demonstrate adequate staffing, despite Florida's claim that its staff is sufficient and will not require additional resources or funding. Multiple commenters (approximately 125) submitted a form letter (form letter 0513-A1) contending that the assumption would add even more regulatory burden to FDEP and attested that the application does not explain how additional work under the assumption would be funded.

Commenters (0212, 0348, 0408, 0430-Alison Kelly) contended that FDEP is already overwhelmed with the Environmental Resource Permit program and the state wetland permitting program, and agreed that it is unclear how FDEP will staff the Section 404 program or train existing staff for the additional regulatory and financial burden when they are already overworked. One commenter (0370 and 0430-Marian Ryan) added that the promise to hire additional low-paid staff to assume the Section 404 program will not hold true and that FDEP will continue to be a steppingstone for higher paying agencies and private enterprise.

Commenter (0386) contended that FDEP has not substantiated how they arrived at their figure of 85% overlap with the existing ERP Program. The commenter (0386) further argued that FDEP's staffing estimates are unreasonably low and have not been supported with the data needed to evaluate them. In addition, the commenter (0386) stated that FDEP did not include information

on the funding and manpower available at either of the state agencies implementing the program, and staff at both of the agencies have expressed concern with the plan and their ability to administer the program. Commenter (0386) further discussed the lack of skills among FDEP staff to delineate wetlands, the shortcomings of FDEP's implementation of the ERP program, and the extensive concerns expressed during EPA's public hearings over FDEP's failure to administer many of its programs.

Commenters (0066, 0346, 0425, 0430-Amber Crooks) argued that Florida does not anticipate additional financial resources will be needed, but reviewers would need to be trained on the Clean Water Act and would be responsible for reviewing permits with different regulations than exist under the state wetland regulatory program. The commenter (0430-Amber Crooks) also noted that the application does not discuss FWC's financial commitments and workloads, despite the memorandum of agreement stating that FDEP will be relying on FWC to help with implementation. Commenter (0430-Beth Alvi) stated that a successful program would require significant additional resources within FDEP and likely FWC as well and that the state has not indicated intent to collect fees for the program and has not considered increasing the budget for either agency. According to one commenter (0051), Florida has also failed to address the availability of funding and staff from FWC and the State Historic Preservation Office, which it plans to rely on for protection of species and cultural resources. Another commenter (0346) argued that FDEP does not have the expertise to evaluate impacts on listed species, and the Florida Constitution designates FWC as the primary agency in matters related to wildlife. Although the FDEP states that they will rely partially on FWC for determinations related to listed species, they also state that they will rely on USFWS for final determination, but the commenter (0346) noted that nothing in the law prevents FDEP from ignoring USFWS's recommendations.

Commenter (0244) contended that there has not been an independent assessment that the proposed staffing is reasonable or plausible and no basis requiring the state to maintain sufficient staffing moving forward. Commenter (0524) argued that the application does not provide a detailed economic analysis on the burdens for FDEP and taxpayers. The commenter (0524) continued that the provided analysis appears inadequate and underestimates the time and funding needed to complete a permit application, adding that FDEP did not address how it would handle the added workload, particularly in light of layoffs that were never filled and recent budget shortages.

Decreased FDEP staffing has left FDEP unprepared to take on additional duties

Commenters (0021, 0035, 0043, 0052, 0057, 0099, 0111, 0134, 0169, 0235, 0245, 0272, 0280, 0281, 0296, 0301, 0305, 0311, 0321, 0331, 0373, 0376, 0421, 0428, 0548, 0429-Eric Hughes, 0429-Lindsay Dubin, 0430-Albert Gomez, 0430-Holly Schwartz, 0430-Jane West, 0430-Wendy Wood, 0430-Faith Bickner) contended that previous decreases in staffing, including a cut of 600 positions (many of them scientists and wetland experts) under the administration of former Governor Scott, has left FDEP unprepared to take on additional duties. Commenter (0301) added that, due to these staffing cuts, staff members have said in confidence that they do not have the staff, time, or budget to perform proper analysis and research for permitting. The 0515-A1 commenters (form letter 0515-A1) state that budgetary resources devoted to environmental

protection have been significantly cut, resulting in vacant job positions that have remained vacant. Commenter (0057) provided a table showing a decrease of 450 staff in the past 9 years. Commenters (0211, 0435, 0440, 0515, 0430-Holly Schwartz) noted that Florida's transparency website has indicated a high vacancy rate (279 vacancies currently) for the FDEP for several years, which has led the commenters to believe that FDEP does not intend to fill those positions and will continue to face a lack of resources.

Commenter (0429-Eric Hughes) noted inconsistencies in the number of staffers that FDEP claims to have and asked what the actual number of FDEP staff is. Commenter (0421) opposed the Florida Assumption because FDEP staff has been shrinking over the past decade. The same commenter (0421) noted that fines have decreased over the past decade from an average of about \$12 million a year to less than \$4 million, stating this decrease in fines is evidence of the FDEP's decline and that the lesser fines do not seem to be a result of increased compliance with regulations.

Relying on the state's existing ERP staff, water management district staff, FWC staff, and State Historic Preservation Office staff is not a viable approach to a Section 404 Program

Commenters (0212, 0431, 0430-Alison Kelly) expressed concerns on how Section 404 assumption would affect coordination with and resources of water management districts. One commenter (0430-Alison Kelly) asked how FDEP's enforcement responsibilities and permitting with the water management districts would be organized under memoranda of agreement. Commenter (0430-Alison Kelly) further noted that the South Florida Water Management District handles most of the larger wetland permits and enforcement under the Environmental Resource Permit program, pursuant to an operating agreement with FDEP, and asked if most of this responsibility would go to the water management districts and whether they have the necessary resources. Commenter (0431) expressed that relying on the state's existing ERP, water management district staff, FWC staff, and State Historic Preservation Office staff is not a viable approach to a Section 404 Program. The commenter (0431) added that FDEP's proposed approach depends heavily on other agencies without justifying that those agencies have the resources to implement the program. Commenter (0212) also asked if there are comprehensive workload estimates for water management districts, FDEP, FWC; whether there is a roadmap for where and when actions will occur; whether there is a way for the public to communicate with personnel informally; and whether there is a funded training program for all participants.

Federal agency resources closely align with managing Section 404 programs and Florida would need comparable resources

Commenters (0035, 0418, 0534, 0430-Drew Martin) maintained that EPA, USACE, and various other federal agencies such as Fish and Wildlife Service and Marine Fisheries Service have the qualified staff and sufficient resources to properly manage the Section 404 program. One commenter (0057) stated that FDEP's Section 404 program would require more resources to match the work of the USACE and that this is beyond the capability of FDEP, as demonstrated by its pattern of decrease in resources. Another commenter (0552) noted that the Jacksonville District of the USACE delivered more than 11,000 actions in 2016, and even if FDEP were able to streamline the process, it would involve a significant investment of staff and training.

According to the same commenter (0552), the Jacksonville District of the USACE had a budget of \$16 million in 2015, and FDEP would need to find comparable funds. Commenters (0425, 0552) continued to note that this need for funds was one reason Florida chose not to assume the program in 2006, in addition to the fact that FDEP did not have enough staff. Commenter (0430-Drew Martin) stated that USACE and EPA have much greater resources and more scientists. Similarly, another commenter (0430-Wendy Wood) stated that the federal agencies are better equipped, are more thorough and impartial, and have the funding needed to oversee the program.

The presumed overlap between state and federal wetland regulations will not lead to efficiency and consistency

Commenters (0051, 0409) opposed the Florida Assumption because Florida's premise is that there is substantial overlap between state and federal wetland regulations that would result in more efficient and consistent regulatory decisions, but the commenters contend that this premise is flawed. One commenter (0051) stated that FDEP's claim that it can operate the program without any additional funding is a flawed, indicating that FDEP either believes wrongly that Section 404 is duplicative of state regulations, that it plans to treat its pre-existing regulations and Section 404 as one and the same, or that FDEP will not adequately implement, operate, or enforce the program. Another commenter (0409) stated that because staffing of the FDEP has been cut while increasing permit review workload over the past years, it is unrealistic to expect this assumption to be handled properly without a substantial increase in appropriately trained and experienced staff resources, yet FDEP intends to carry out the program with existing resources. The commenter (0409) stated that the presented analyses likely do not reflect the reality of current and expected workloads, and that existing staff and the natural resources of Florida deserve better. Commenter (0430-Amber Crooks) further stated that the state and federal programs are distinctive, not duplicative, and that FDEP staff would need to be trained on implementing the new guidelines and coordinating endangered species cases that they are not familiar with.

FDEP is not objective and yields to development interests and political pressure

Commenters (0021, 0043, 0160, 0170, 0205, 0235, 0272, 0287, 0296, 0305, 0311, 0314, 0384, 0510, 0430-Maureen Long) stated that giving regulatory control to an overburdened department will result in yielding to political pressure from developers with financial motives and disregard for conservation. Commenter (0028, 0090, 0301) opposed the Florida Assumption because FDEP does not have sufficient staffing and is tied too closely to commercial interests to ensure that wetlands are protected and prioritized above rapid development. One commenter (0430-Maureen Long) stated that this attempt by FDEP to assume authority was at the request of developers and that this does not sit well with the citizens of Florida. Another commenter (0296) also stated that many of the appointments to Florida's water management boards were made based on politics rather than experience or expertise in environmental management. The commenter continued to state that FDEP cannot properly handle the program while it remains understaffed and operates under the direction of politically appointed senior staff.

Commenter (0170) contended that FDEP would likely overlook the needs of the environment in favor of development, noting that FDEP has cut funding from the Florida Forever program and

from state land management. One commenter (0021) noted that FDEP looked into taking over the program in 2006 but dropped the idea because builders were requesting so many permits that taking over the workload would overwhelm the agency. Commenter (0043) stated that population growth has not slowed in Florida, yet growth management initiatives have been repealed and the FDEP and water management districts have cut many scientific positions. Commenter (0429-Eric Hughes) surmised that budgeting compromises will have to be made in funding education and the health system, and that the continuation of rampant development is unsustainable. Along a similar vein, commenters (0287, 0395) were concerned that the lessened staff of FDEP has resulted in rapid approval of permits. One commenter (0287) further noted that this is especially important now, as the state's lawmakers enact legislation not supported by the majority, and state funds dwindle due to the economic downturn. Commenter (0430-Wendy Wood) added that although the staff works hard, they should not be asked to take on more work without more funding and protections from political retaliation.

4. FDEP has done a poor job with its current workload/responsibilities with the current staffing/funding level

Commenters (0044, 0104, 0132, 0140, 0141, 0150, 0158, 0225, 0262, 0220, 0338, 0340, 0226, 0056, 0078, 0080, 0224, 0081, 0335, 0057, 0136, 0156, 0188, 0249, 0251, 0294, 0340, 0395, 0397, 0400, 0427, 0446, 0455, 0456, 0478, 0517, 0429-Marilyn Vazquez-Almedo, 0429-Lindsay Dubin, 0430-Albert Gomez, 0430-Jane West, 0430-Neil Armington, 0430-Sandra Chiappetta, 0430-Sarah Younger, 0430-Maureen Long, 0430-Faith Bickner) asserted that FDEP is already failing in their responsibilities to protect waters via existing programs, much less with the additional burden of managing the Section 404 permitting program. Many of these same commenters also stressed that there is no commitment that additional federal funding will support the assumption and that resources may be diverted from critical FDEP duties to support this. Multiple commenters (approximately 125) submitted a form letter (form letter 0513-A1) stating that the assumption would add even more regulatory burden to FDEP, which is already under-resourced. The 0513-A1 form letter commenters reference the TMDLs and BMAPs for impaired waterbodies across the state on which FDEP already lacks progress, as well as the BMPs for stormwater and agriculture that do not meet their intended pollution reduction goals, plus the sites across the state that have not had consistent water quality testing in years.

Commenter (0218) opposed the Florida Assumption because it would require significant additional resources within FDEP and likely FWC as well, but section 62-331.120, Florida Administrative Code, states that no fees will be collected for the Section 404 program and the state is not increasing the budget of either agency to accommodate new responsibilities. The commenter asserted that the state's suggestion of redirecting the existing workforce is not sufficient, especially since FDEP needs resources in its other efforts such as improving water quality sampling and assessment activities and the completion of TMDL reports and BMAPs. The commenter noted that FDEP would need resources to generate comparable analyses to the EA and EIS reports currently produced by federal agencies. The commenter maintained that it was unlikely that the state could replace the value and level of protection offered by the current federal program without any additional resources. The commenter stated that the state needs to improve current wetland programs before assuming new ones, and that the required objective of "no net loss of wetlands" for both federal and state programs has not been met, citing data from

Audubon, NOAA, National Academy of Sciences, and USFWS analyses. The commenter stated that wetland losses have compromised Florida's water quality, flood protection, dry season wildfire resilience, water supply, and economic and environmental health. The commenter recommended that FDEP focus its resources on implementing the priorities in the Governor's Executive Order 19-12 (restoration and protection of wetlands and watersheds) and improving wetland protection outcomes in its Environmental Resource Permitting Program before assuming another wetland regulatory program.

Commenter (0057) stated that FDEP struggles to protect wetlands now and will be unable to protect the additional wetlands under the Section 404 program, noting a 60% loss of Florida's wetlands to date and a loss of more than 144,000 non-federal acres of rural lands between 2012 and 2017. Commenter (0417) opposed the Florida Assumption because Florida's ERP program has been largely ineffective in protecting wetlands. Commenters (0078, 0080, 0081, 0249, 0311, 0427, 0430-Anna Upton) stated that Florida's environment generates billions of dollars for the economy, and its water resources deserve the highest level of protection, which FDEP is not well-equipped to provide.

Commenter (0430-Albert Gomez) asserted that FDEP has failed at implementing NPDES standards in South Florida and has already had the responsibility of the Water Compliance Enforcement Program and that there has been increased wetland degradation in the areas they are managing. Commenters (0429-Jen Lomberk, 0429-Kelly Cox, 0430-Lisa Rinaman, 0430-Jessica Dennis) noted that FDEP is already behind on TMDL development and on enforcement actions related to the NPDES permit program. Nonprofit Waterkeeper organizations across the state have initiated an independent NPDES permit program to help bridge the gap, which the commenters (0429-Kelly Cox, 0430-Jessica Dennis) stated should not be tasked to a nonprofit.

One commenter (0051) noted that FDEP is already unable to meet its current obligations, as evidenced by impaired waters across the state and the recurring toxic algae crisis. Commenters (0104, 0456, and 0150) stated that there are sites across the state that have not had consistent water quality testing in years. Commenters (0071, 0373, 0430-Jessica Dennis) further noted that Governor DeSantis recently gave FDEP oversight of the entire state's 2,700,000 septic systems, a huge project for an underfunded agency, as support that FDEP does not need more work.

Commenter (0430-Jane West) was concerned that Florida has already lost over half of its wetlands, with negative effects on water quality, fish nurseries, wildlife habitat, and flood control. The same commenter (0430-Jane West) also noted that Florida has consistently rejected responsibility for the program since it commenced in 1975 because of the decrease in wetland protection and lack of funding for the additional work. Commenter (0429-Preston Robertson) added that the impaired water bodies in Florida are extensive, citing the FDEP website, and they have been impaired for many years. Another commenter (0395) pointed out that the state is already challenged with providing enough clean water for drinking and other personal use, springs that are at dangerously low levels, salt water intrusion into the Floridan Aquifer, and a growing population, and stated that it would be a mistake to allow FDEP to assume more permitting. Commenter (0112) added that FDEP has failed to protect or restore wetlands and water since Florida Forever funding was drastically reduced.

While not citing environmental programs, commenter (0486) opposed the Florida Assumption because the state of Florida cannot manage its own unemployment program or the COVID pandemic.

5. The state of Florida does not have adequate resources due to the impacts of the ongoing COVID-19 pandemic

Commenters (0057, 0170, 0209, 0211, 0346, 0386, 0417, 0429-Lindsay Dubin, 0430-Amber Crooks, 0430-Jessica Dennis, 0430-Albert Gomez, 0430-Beth Alvi, 0430-Jane West, 0430-Drew Martin, 0430-Rachael Uhland, 0430-Lisa Rinaman, 0431, 0435, 0440, 0486, 0545) opposed the Florida Assumption because they expect that the ongoing COVID-19 pandemic will further limit FDEP's resources. Commenter (0430-Amber Crooks) declared that the state was already providing insufficient resources prior to the pandemic, with an estimated \$2.7 billion shortfall that has only worsened, and this could impact FDEP and FWC's ability to take on the program. One commenter (0057) noted that, even during the pandemic, real estate demands for additional land have continued to grow especially near water and that once waters are destroyed, they are nearly impossible to restore. Commenters (0051, 0222) noted that tax revenues are plummeting as a result of COVID-19 and that Florida agencies are cutting 8.5% of their budgets to adjust for these shortfalls and the extra financial strain of assuming Section 404 permitting would have a significantly negative impact on FDEP and would put ecosystems in further risk of exploitation.

Commenter (0067) opposed the Florida Assumption because the COVID-19 pandemic has suddenly increased recreational use of natural resources and it is not yet known what impact this will continue to have.